



Fw: FedEx Shipment 793275719306 Delivered
Lillian Andrelczyk to: Andrew Ma

02/18/2010 11:27 AM

Lillian Andrelczyk
US EPA Region III
Land and Chemicals Division
Office of State Programs Branch (3LC50)
1650 Arch Street, 10th Floor
Philadelphia, PA 19103
Work: 215 814-2081
Fax: 215 814-3163
andrelczyk.lillian@epa.gov

----- Forwarded by Lillian Andrelczyk/R3/USEPA/US on 02/18/2010 11:27 AM -----

From: TrackingUpdates@fedex.com
To: Lillian Andrelczyk/R3/USEPA/US
Date: 02/18/2010 10:37 AM
Subject: FedEx Shipment 793275719306 Delivered

This tracking update has been requested by:

Company EPA
Name:
Name: Lillian Andrelczyk
E-mail: andrelczyk.lillian@epa.gov
v

Our records indicate that the following shipment has been delivered:

Reference: Andrew Ma 215 814-3429
Ship (P/U) date: Feb 17, 2010
Delivery date: Feb 18, 2010 10:33 AM
Sign for by: J.SANTIAGO
Delivered to: Shipping/Receiving
Service type: FedEx Priority
Overnight
Packaging type: FedEx Envelope
Number of pieces: 1
Weight: 0.50 lb.
Special handling/Services: Deliver Weekday

Tracking number: 79327571930
6

Shipper Information
Lillian Andrelczyk
EPA
1650 Arch Street - 10th
Floor
3LC50

Recipient Information
John Barger, Vice
President
Frankford Plating, Inc.
2502 Orthodox Street
Philadelphia

From: Origin ID: REDA (215) 814-2081
Lillian Andrelczyk
EPA
1650 Arch Street - 10th Floor
3LC50
Philadelphia, PA 19103



Ship Date: 17FEB10
Act/Wgt: 1.0 LB
CAD: 7961297/INET3010

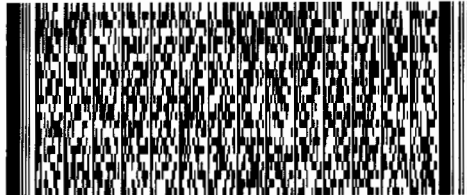
Delivery Address Bar Code



Ref # Andrew Ma 215 814-3429
Invoice #
PO #
Dept #

SHIP TO: (000) 000-0000 BILL SENDER

John Barger, Vice President
Frankford Plating, Inc.
2502 Orthodox Street

Philadelphia, PA 19137

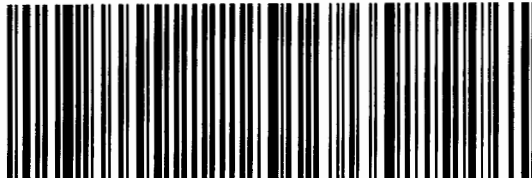
TRK# 7932 7571 9306
0201

THU - 18 FEB A1
PRIORITY OVERNIGHT

19137

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17 BBXA

585G2K7335FEB

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Andrew
Your signed
copy. FedEx
was mailed
on 2/17/10.

Lillian

This Notice of Violation is not intended to address all past violations, nor does it preclude EPA from including any ongoing, including the ones cited in this letter, or past violations in any future enforcement action. Your response to this NOV shall be addressed to:

Andrew Ma
U.S. Environmental Protection Agency - Region III
Office of Land Enforcement (3LC70)
1650 Arch Street
Philadelphia, Pennsylvania 19103

If you have any questions regarding this matter, please feel free to contact Mr. Andrew Ma at (215) 814-3429.

Carol Amend
Associate Director
Land & Chemicals Division
Office of Land Enforcement

Date

Enclosures

cc: A. Ma (3LC70)
T. DiFiore (3LC70)
R. Shipman (PADEP)

CONCURRENCES

SYMBOL ▶	3LC70	3LC70						
SURNAME	A. Ma <i>AM</i>	K. Cox <i>KC</i>						
DATE ▶	<i>2/8/10</i>	<i>2/12/09</i>						

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA FED EX

John Barger
Vice President
Frankford Plating, Inc.
2502 Orthodox Street
Philadelphia, PA 19137

Re: Notice of Violation
Compliance Evaluation Inspection
August 18, 2009
EPA ID No. PAD080800527

Docket No.: R3-10-NOV-RCRA-20

Dear Mr. Barger:

On August 18, 2009, the U.S. Environmental Protection Agency, Region III ("EPA") conducted a Compliance Evaluation Inspection ("CEI") of Frankford Plating, Inc. ("Facility") located at 2502 Orthodox Street, Philadelphia, Pennsylvania 19137, under the federally authorized Commonwealth of Pennsylvania Hazardous Waste Management Regulations ("PaHWMR") and the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. Sections 6901 et seq. Based on the CEI, EPA has determined that Frankford Plating, Inc. has violated regulations under PaHWMR and RCRA. As a result of this determination, EPA is issuing this Notice of Violation ("NOV"). The specific areas of concern are:

1. During the inspection August 18, 2009, the EPA inspector observed silver tipped and green tipped fluorescent lamps in use in the lighting fixtures at the Facility (See Photo #1 of Attachment A: Compliance Evaluation Inspection Report). During the inspection Facility representatives stated that spent fluorescent lamps are discarded in the regular trash. Due to the high mercury content of fluorescent lamps, when fluorescent lamps are broken mercury is released into the environment. Therefore, used silver tip fluorescent lamps must be managed as either a universal waste prior to recycling or manifested as a hazardous waste when being discarded. Additionally, used fluorescent lamps managed as universal waste can not be accumulated on-site for more than one year after the date of generation.

Failure to properly contain and label universal waste lamps in a container or package is a violation of PaHWMR 25 § 266b, which incorporates by reference 40 CFR § 273.13(d)(1) and 273.14(e), which state:



"(d) Lamps. A small quantity handler of universal waste must manage lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows: (1) A small quantity handler of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions."

"(e) Each lamp or a container or package in which such lamps are contained must be labeled or marked clearly with one of the following phrases: 'Universal Waste-Lamp(s)' or 'Waste Lamp(s),' or 'Used Lamp(s)'."

The accumulation of universal waste lamps for more than one year from the time the waste is generated is a violation of PaHWMR § 266b, which incorporates by reference 40 CFR § 273.15(a), which states:

"(a) A small quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated, or received from another handler, unless the requirements of paragraph (b) of this section are met."

2. During the August 18, 2009 inspection, the EPA inspector noted a number of used aerosol cans in the Storage Area of the Facility (See Photo #2 of Attachment A). Facility representatives stated that spent aerosol cans are disposed of in the regular trash. Due to the types of propellants and products typically found in aerosol cans, the contents of such cans may exhibit a characteristic of hazardous waste. Therefore, the Facility must make a waste determination for its used aerosol can waste stream. Please find enclosed Attachment B, an EPA guidance document which discusses the regulatory status of used aerosol cans under RCRA. The Agency recommends that puncturing and draining of aerosol cans be conducted in a safe and environmentally protective manner and care should be taken to properly manage any contents removed from the container (both liquids and gases). Therefore, the Facility must make a waste determination for its used aerosol can waste stream.

Failure to make a waste determination is a violation of PaHWMR 25 § 262b, which incorporates by reference 40 C.F.R. § 262.11(a), (b) and (c), which state:

"A person who generates a solid waste, as defined in 40 C.F.R. 261.2, must determine if that waste is a hazardous waste using the following method:

- (a) He should first determine if the waste is excluded from regulation under 40 C.F.R. 261.4.*
- (b) He must then determine if the waste is listed as a hazardous waste in subpart D of 40 C.F.R. part 261.*
- (c) For purposes of compliance with 40 C.F.R. part 268, or if the waste is not listed in subpart D of 40 C.F.R. part 261, the generator must then determine whether the waste is identified in subpart C of 40 C.F.R. part 261 by either:*
 - (1) Testing the waste according to the methods set forth in subpart C of 40 C.F.R. part 261, or according to an equivalent method approved by the*



Administrator under 40 C.F.R. 261.21; or

(2) Applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used."

3. During the August 18, 2009 EPA inspection, the Facility provided copies of the emergency contact information posted by the telephone, as seen in the attached Compliance Evaluation Inspection Report (Attachment A). The information by the telephone did not include the name and telephone number of the Facility's emergency response coordinator and the location of the spill control material.

Failure to post specific emergency information next to the telephone is a violation of 25 Pa. Code Chapter 262a, which incorporates by reference 40 C.F.R. § 262.34(d)(5)(ii)(A), (B), and (C), which state:

"(d) A generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status provided that:

(5) The generator complies with the following requirements:

(ii) The generator must post the following information next to the telephone:

(A) The name and telephone number of the emergency coordinator;

(B) Location of fire extinguishers and spill control material, and, if present, fire alarm; and

(C) The telephone number of the fire department, unless the facility has a direct alarm."

4. During the records review portion of the EPA inspection, the Facility provided a copy of hazardous waste manifest #00920562, which was dated 10/30/06. The manifest was not signed by the designated Treatment, Storage, or Disposal Facility (TSDF), and Frankford Plating, Inc. did not have a copy of the signed returned manifest at the time of the inspection. Mr. Barger provided EPA, via fax, a copy of the signed hazardous waste manifest #00920562, which was provided to Mr. Barger by the TSDF after the inspection.

Additionally, Facility representatives indicated that hazardous waste is sent offsite under manifest once per year. During the inspection on August 18, 2009, the Facility provided copies of hazardous waste manifests for the following years: 2006 and 2008. However, the Facility did not have a copy of any manifest for calendar year 2007. Subsequent to the inspection, Mr. Barger sent EPA, via fax, a signed copy of hazardous waste manifest #001064001, which was dated 10/05/07. Frankford Plating, Inc. did not have a signed copy of the manifest at the time of the inspection, and the manifest was provided to them by the TSDF subsequent to the inspection. The Facility did not receive signed copies of manifests #00920562 and #001064001 within 60 days after the date of either shipment, and failed to notify EPA that it had not received a signed copy of the manifest from the designated TSDF.



Failure to notify EPA if the generating Facility does not receive a signed copy of the manifest is a violation of PaHWMR 25 § 262a42, which incorporates by reference 40 C.F.R. § 262.42(b), which states:

“(b) A generator of greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 60 days of the date the waste was accepted by the initial transporter must submit a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery, to the EPA Regional Administrator for the Region in which the generator is located.”

5. During the records review portion of the August 18, 2009 EPA inspection, the Facility was unable to provide the inspectors with copies of Land Disposal Restriction (LDR) forms for each generated hazardous waste stream per each designated TSDF. Subsequent to the inspection the Facility provided EPA, via fax, LDR forms as seen in the Compliance Evaluation Inspection Report (Attachment A). Generators of hazardous waste are required to retain on file a one-time LDR notification for each hazardous waste stream per each TSDF, and the Facility failed to provide any LDR forms to EPA inspectors at the time of the inspection.

Failure to maintain one-time LDR notification forms is a violation of 25 Pa. Code 268a., which incorporates by reference 40 C.F.R. § 268.7(a)(2), which states:

“(a)(2) If the waste or contaminated soil does not meet the treatment standards, or if the generator chooses not to make the determination of whether his waste must be treated, with the initial shipment of waste to each treatment or storage facility, the generator must send a one-time written notice to each treatment or storage facility receiving the waste, and place a copy in the file.”

A copy of the CEI report, documenting the findings of the inspectors, is enclosed for your information.

Within **fifteen (15) calendar days** of the receipt of this NOV, please submit documentation of any measures that the Facility has taken or is taking to achieve compliance with the violations noted above. If the compliance measures identified are planned or are ongoing, please provide a schedule for when the compliance measures will be completed. If the Facility can provide documentation which shows that EPA's determination of the alleged violation(s) is in error, please submit this information as well. Section 3008(a) of RCRA authorizes EPA to take an enforcement action whenever it is determined that any person has violated, or is in violation, of any requirement of RCRA as amended. Such an action could include a penalty of up to \$32,500 per day for each violation. In addition, failure to achieve and maintain compliance with the regulations cited in this NOV may be treated as a repeated offense and may constitute a “knowing” violation of Federal law.

With regard to the Small Business Regulatory Enforcement and Fairness Act (SBREFA), please see the “Information for Small Businesses” memo, enclosed Attachment C, which might be

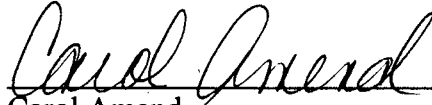


applicable to your company. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action. EPA has not made a determination as to whether or not you [or your company] are covered by the SBREFA.

This Notice of Violation is not intended to address all past violations, nor does it preclude EPA from including any ongoing, including the ones cited in this letter, or past violations in any future enforcement action. Your response to this NOV shall be addressed to:

Andrew Ma
U.S. Environmental Protection Agency - Region III
Office of Land Enforcement (3LC70)
1650 Arch Street
Philadelphia, Pennsylvania 19103

If you have any questions regarding this matter, please feel free to contact Mr. Andrew Ma at (215) 814-3429.



Carol Amend

Associate Director
Land & Chemicals Division
Office of Land Enforcement

Feb 16, 2010
Date

Enclosures

cc: A. Ma (3LC70)
T. DiFiore (3LC70)
R. Shipman (PADEP)

